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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.						
10/665,896	09/18/2003	John M. Walker	112558-1012	6998						
7590 KENNETH R. GLASER MONIQUE A. VANDER MOLEN GARDERE WYNNE SEWELL LLP 1601 ELM STREET, SUITE 3000 DALLAS, TX 75201-4761		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>KOCZO JR, MICHAEL</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td colspan="2">3746</td></tr></table>			EXAMINER	KOCZO JR, MICHAEL	ART UNIT	PAPER NUMBER	3746	
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE								
3 MONTHS	02/15/2007	PAPER								

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,896	WALKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Koczo, Jr.	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 December 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) 4,11-13 and 15 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5-10 and 14 is/are rejected.  
 7) Claim(s) 5 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Applicant's election with traverse of group I in the reply filed on December 11, 2006 is acknowledged. The traversal is on the ground(s) that a search of claim 4 would impose no additional burden on the Patent Office. This is not found persuasive because, contrary to what applicant suggests, the examination burden is not limited exclusively to a prior art search but also includes the effort required to apply the art by making and discussing all appropriate grounds of rejection. Multiple inventions, such as those in the present application, normally require additional reference material and further discussion for each additional invention examined. Concurrent examination of multiple inventions would thus typically involve a significant burden even if all searches were coextensive.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4, 11, 12, 13 and 15 therefore stand withdrawn from further consideration as being drawn to non-elected inventions.

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: "void space" is redundant. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 3,170,407). Johnson discloses an electric motor driven pump having a motor housing 10, a housing cover 11, an impeller housing 20 and a multistage lip seal 19. The cover has a pour hole 33. Reciting that the pour hole is for pouring a nonconductive encapsulation material such as epoxy is merely a recitation of intended use. Any fluid may be poured through the pour hole 33. Regarding claim 5, the space behind the impeller 21 is readable as a “void space”.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Bradfield et al (US 5,315,195). Johnson discloses the invention substantially as claimed. However, Johnson does not disclose housing parts fastened via latch means. Bradfield et al disclose electric motor housing components connected via latches as shown in figure 3. The use of latches facilitates disassembly of the housing components for access to the interior. In view of this teaching, it would have been obvious to provide the housing 10 and cover 11 of Johnson with latches.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Postuchow et al (US 5,816,784). Johnson discloses the invention substantially as

claimed. However, Johnson does not disclose a grease packing disposed in a cavity formed in a bracket member of the motor. Postuchow et al disclose a multistage lip seal 36, 37 having grease between the lips which acts as a moisture barrier. In view of this teaching, it would have been obvious to provide grease between the lips 19 of Johnson. In order to increase the sealing effect, one of ordinary skill in the art would realize that grease could also be disposed between the lip seal 19 and the housing 10 of Johnson.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (US 5,494,417) in view of Postuchow et al. Davis et al disclose a polymer-encapsulated motor encased in a motor housing having a cover 20. The cover has a pour hole 84 for the polymer-encapsulation material. However, Davis et al do not disclose a multistage lip seal and a grease packing moisture barrier. Postuchow et al disclose an impeller driven by a shaft having lip seals 36 and 37 with a grease packing therebetween for improved sealing. In view of this teaching, it would have been obvious to provide the shaft of Davis et al with a multistage lip seal and a grease packing moisture barrier.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

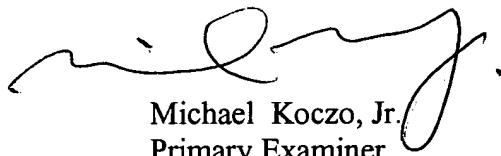
Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

Art Unit: 3746

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Koczo, Jr. whose telephone number is 571-272-4830. The examiner can normally be reached on M-Th; 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached at 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.  
Primary Examiner  
Art Unit 3746